

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928

WP(C).No. 6180 of 2007(I)

PETITIONERS:

- 1) THOPPIL MATHAI,
S/O. SCARIAH, AGED 38,
THOPPIL HOUSE, KUPPADITHARA VILLAGE,
VYTHIRI TALUK, WYNAD.
- 2) SCARIAH, S/O. MATHAI, AGED 76,
THOPPIL HOUSE, KUPPADITHARA VILLAGE,
VYTHIRI TALUK, WYNAD.

BY ADV. SRI.SHAJI JOSEPH

RESPONDENTS:

- 1) THE DISTRICT COLLECTOR, WYNAD
KALPETTA.
- 2) TAHSILDAR, VYTHIRA TALUK, WYNAD.
- 3) PADINJARATHARA PANCHAYATH,
VYTHIRA TALUK, REPRESENTED BY ITS SECRETARY.
- 4) PANCHAYATH DIRECTOR,
PANCHAYATH DIRECTORATE, THIRUVANANTHAPURAM.
- 5) K.V.KURIAKOSE, KATTAKKUZHIYIL HOUSE,
PUTHUSSERIKADAVU P.O,
PADINJARATHARA PANCHAYATH,
VYTHIRA TALUK, WYNAD.

BY GOVERNMENT PLEADER SMT. T.B.RAMANI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 6180 OF 2007

Dated this the 23rd day of February, 2007

JUDGMENT

Ext.P1 submitted by the petitioners before the Tahsildar under copy to the District Collector, Secretary of the Panchayat and also to the Director of Panchayats seeks several reliefs including a direction that the 5th respondent contractor who has allegedly dumped waste into the petitioner's property to remove the waste and to pay compensation. But the learned counsel for the petitioners, Sri.Shaji Joseph would submit that for the present it will suffice if the 5th respondent is directed to remove the waste which has been presently dumped by him in their properties. As already indicated, the original of Ext.P1 is submitted to the Tahsildar and copies have been given to others including the Panchayat Secretary. I am of the view that the issue should be considered first by the Panchayat Secretary as the 5th respondent is appointed by the Panchayat.

Accordingly, I permit the petitioners to file a complaint before the Secretary of the 3rd respondent-Panchayat voicing their grievances that the waste dumped by the 5th respondent is causing difficulties to them in the matter of their agricultural operations and requesting that the 5th respondent be directed to remove the waste immediately. If the

Secretary of the Panchayat receives such a complaint from the petitioner within one week from today, he will issue notice to the 5th respondent, hear the petitioner and 5th respondent and take a decision on that complaint at the earliest and at any rate within three weeks of receiving a copy of this judgment.

PIUS C. KURIAKOSE, JUDGE

btt

